

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Kelber on Thursday, May 15th, 2003.

The application has been amended as follows:

IN THE CLAIMS:

59 (Amended). A method for modifying a tobacco curing barn provided with a direct fire heating unit for the purpose of providing conditions suitable for curing tobacco such that resulting cured tobacco obtained from said barn possesses a tobacco-specific nitrosamine content lower than that obtained prior to such modification, the method comprising:

removing the direct fire heating unit from the tobacco barn,
providing the tobacco barn with a heating unit that does not generate exhaust gases comprising nitric oxides in a fashion that would cause contact between said nitric oxides and said tobacco within said barn, and further modifying said barn to ensure that the nitric oxide level within the barn during tobacco curing is suppressed to prevent formation of tobacco-specific nitrosamines [permit correlation of the tobacco-specific nitrosamine content of said cured tobacco with the actual level of nitric oxides to which

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said tobacco is exposed in said barn, wherein said barn as modified may be used for the curing of tobacco leaves].

2. The following is an examiner's statement of reasons for allowance: The prior art of record suggests modifying a tobacco curing barn by replacing a direct fire heater with an electric or convection heater, which would inherently provide the tobacco barn with a heating unit that does not generate exhaust gases comprising nitric oxides; however, the prior art of record, does not teach nor reasonably suggest further modifying the barn to *ensure* that the nitric oxide level within the barn during tobacco curing is suppressed to prevent formation of nitrosamines in the tobacco, as Applicant has now claimed – which is fully supported by the instant specification on page 3, lines 30-34 and page 9, lines 31-32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (703) 305-0933. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

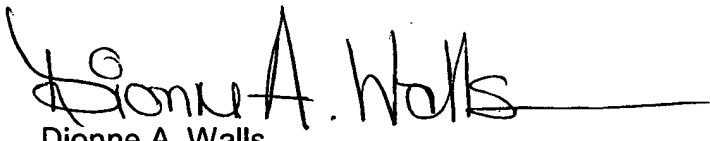
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872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read "Dionne A. Walls", followed by a horizontal line.

Dionne A. Walls
May 17, 2003